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PTO/EB/03 (03-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PLANT PATENT APPLICATION (35 U.S.C. 161) DECLARATION (37 CFR 1.63)</b>		<b>Attorney Docket Number</b>	BROKAW-40124
		<b>First Named Inventor</b>	Josef Stefan Kohna
<b>COMPLETE IF KNOWN</b>			
		<b>Application Number</b>	/
		<b>Filing Date</b>	
		<b>Group Art Unit</b>	
		<b>Examiner Name</b>	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

Avocado Tree

plant named: 'Merensky 2'

which is claimed and for which a plant patent is sought, the specification of which

 is attached hereto OR  was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States

Application Number \_\_\_\_\_ and was amended on (MM/DD/YYYY) \_\_\_\_\_ (If applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

 Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.58, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (l), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached?
	South Africa		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number**DECLARATION – Plant Patent Application**

Direct all correspondence to: <input type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> OR <input type="checkbox"/> Correspondence address below	
<b>Name</b> Aaron T. Borrowman			
<b>Address</b> Kelly Bauersfeld Lowry and Kelley LLP			
<b>Address</b> 6320 Canoga Avenue, Suite 1650			
<b>City</b> Woodland Hills		<b>State</b> CA	<b>ZIP</b> 91367
<b>Country</b> US		<b>Telephone</b> 818-347-7900	<b>Fax</b> 818-340-2859
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
<b>Given Name</b> JOSEF STEFAN KÖHNE		<b>Family Name or Surname</b>	
<b>Inventor's Signature</b> 		<b>Date</b> 24.10.2001	
<b>Residence: City</b> Duvelskloof 0835		<b>State</b>	<b>Country</b> South Africa
			<b>Citizenship</b> German
<b>Mailing Address</b> Westfalia Estate, P. O. Box 14			
<b>Mailing Address</b>			
<b>City</b> Duvelskloof		<b>State</b>	<b>Zip</b> 0835
			<b>Country</b> South Africa
<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
<b>Given Name</b>		<b>Family Name or Surname</b>	
<b>Inventor's Signature</b>		<b>Date</b>	
<b>Residence: City</b>		<b>State</b>	<b>Country</b>
			<b>Citizenship</b>
<b>Mailing Address</b>			
<b>Mailing Address</b>			
<b>City</b>		<b>State</b>	<b>Zip</b>
			<b>Country</b>
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto			

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		<b>First Named Inventor</b>	Josef Stefan Köhne
<b>COMPLETE IF KNOWN</b>			
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing		<input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Application Number /
		Filing Date	
		Group Art Unit	
		Examiner Name	

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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached?
			YES	NO
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PTO/SB/03 (03-01)

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**DECLARATION – Plant Patent Application**

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<b>Address</b> Kelly Bauersfeld Lowry and Kelley LLP			
<b>Address</b> 6320 Canoga Avenue, Suite 1650			
<b>City</b> Woodland Hills	<b>State</b> CA	<b>ZIP</b> 91367	
<b>Country</b> US	<b>Telephone</b> 818-347-7900	<b>Fax</b> 818-340-2859	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
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<b>Given Name</b> JOSEF STEFAN KÖHNE		<b>Family Name or Surname</b>	
<b>Inventor's Signature</b>	<i>Josef Stefan Köhne</i> <b>Date</b> 24.10.2001		
<b>Residence: City</b> Duvelskloof 0835	<b>State</b>	<b>Country</b> South Africa	<b>Citizenship</b> German
<b>Mailing Address</b> Westfalia Estate, P. O. Box 14			
<b>Mailing Address</b>			
<b>City</b> Duvelskloof	<b>State</b>	<b>Zip</b> 0835	<b>Country</b> South Africa
<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
<b>Given Name</b>		<b>Family Name or Surname</b>	
<b>Inventor's Signature</b>	<b>Date</b>		
<b>Residence: City</b>	<b>State</b>	<b>Country</b>	<b>Citizenship</b>
<b>Mailing Address</b>			
<b>Mailing Address</b>			
<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Country</b>
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